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Wednesday, November 15, 2023

Via ECF

Hon. Lorna G. Schofield, U.S.D.J.
Southern District of New York
40 Foley Square, Courtroom 1106
New York, New York 10007

Re: NuAcess 2 Inc. v. Turkish Airlines Inc.
Case No.: 23-cv-03137-LGS

Dear Judge Schofield:

This firm represents NuAcess 2 Inc. (“Plaintiff”) in the above-referenced action (“Action”). Please accept this correspondence as the joint status letter of Plaintiff and defendants Turkish Airlines, Inc. (“Turkish”) and Türk Hava Yollari Anonim Ortakligi (“THY”) (together, “THY Defendants”) due November 15, 2023 September 8, 2023 pursuant to the Case Management Order (*see* ECF 28 (“CMO”)).

Plaintiff commenced this Action on April 14, 2023 with the filing of a summons and complaint against Turkish Airlines, Inc., who then filed a pre-motion letter to dismiss the complaint on May 12, 2023 on various grounds (*see* ECF 14). Plaintiff responded on May 17, 2023 (*see* ECF 17). On May 25, 2023, the Court ordered Plaintiff to file an amended complaint by May 31, 2023. On May 31, 2023, Plaintiff filed an amended complaint (“FAC”) which added THY as an additional Defendant in the Action (*see* ECF 19). On June 7, 2023, counsel for the THY Defendants filed a pre-motion letter to dismiss the FAC pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (*see* ECF 20). Plaintiff responded to the THY Defendants’ pre-motion letter to dismiss the FAC on June 13, 2023 (*see* ECF 21). The parties then submitted their respective Rule 7.1 statements.

On July 14, 2023 July 14, 2023, the Court held a pre-motion conference on the THY Defendants’ pre-motion letter to dismiss the FAC, and consequently, the Court ordered Plaintiff to file an amended complaint by July 28, 2023 to add InsurZoom.com Brokerage Inc. (“InsurZoom”) as an additional defendant in this Action. *See* ECF 27. Plaintiff filed a Second Amended Complaint (“SAC”) on July 28, 2023 (*see* ECF 29) and supplemental summons (*see* ECF 31) which was served on Defendant InsurZoom on August 9, 2023 (*see* ECF 33). On August 16, 2023, the THY

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Defendants file a pre-motion letter to dismiss the SAC pursuant to Rule 12(b)(6) (*see* ECF 32) to which Plaintiff responded on August 25, 2023 (*see* ECF 35).

Plaintiff filed a request for a Clerk's Certificate of Default against Defendant InsurZoom on September 1, 2023 (*see* ECF 37) which was granted and returned signed on September 1, 2023 (*see* ECF 38). Plaintiff and the THY Defendants exchanged requests for production of documents and first sets of interrogatories on September 6, 2023.

On October 23, 2023, THY Defendants moved to dismiss the SAC. On November 13, 2023, Plaintiff and the THY Defendants provided initial discovery responses and partial productions of responsive documents. Document productions are ongoing. Depositions have not yet occurred.

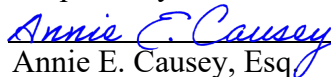
Plaintiff's will file opposition papers to THY Defendants' motion to dismiss the SAC on or before November 21, 2023. THY Defendants will file reply papers on their motion to dismiss the SAC on or before December 8, 2023.

The parties respectfully request an amendment to Section 8 of the CMO as follows:

- 12/8/2023 - adjourned date for all party document productions (as well as THY Defendants' subpoenaed production from APA), subject to the parties' meet and confer, and post-deposition document demands.
- 1/15/2024 - adjourned date to take party depositions.
- 1/30/2024 - adjourned fact discovery deadline.

The parties intend to meet and confer on Wednesday 11/22/2023 concerning their respective written disclosures and document productions and reserve all rights to seek related relief from the Court if necessary.

Respectfully submitted,


Annie E. Causey, Esq.

Lawrence Lonergan, Esq.

James F. Woods, Esq.

Attorneys for Plaintiff

CC: All counsel of record *via* ECF.